THE HON'BLE MR. JUSTICE V.V.S. RAO

THURSDAY, THE 17TH DAY OF NOVEMBER, 2005

W.P.No. 4951 of 1999

Between:-

The Managing Director, A.P.S.R.T.C., Mushirabad, Hyderabad.

--Petitioner

And

State Transport Appellate Tribunal, A.P., Hyderabad, rep., by its Presiding Officer and two others.

--Respondents

Oral order:- (W.P.No. 4951 of 1999)

The Andhra Pradesh State Road Transport Corporation assails the order of the 1st respondent in A.P.No. 857 of 1996 dated 28-04-1998 as illegal and arbitrary.

The fact of the matter is not in dispute. The 3rd respondent herein applied for a stage carriage permit from Rayachoti Bus Stand to Yendlapalle via Kothapeta, Peddapally, Ambavaram Cross, Peddakalavapalle and Musalireddigaripalli. The 2nd respondent rejected the application solely on the ground that Draft Scheme under Section 99 of the Motor Vehicles Act, 1988 (Act No. 59 of 1988) (for short 'the Act') was pending with the Government. Aggrieved by the proceedings of the 2nd respondent dated 23-09-1996, the 3rd respondent preferred an appeal before the 1st respondent. By the time the appeal was considered by the 1st respondent, the Draft Scheme No. 171 of 1989 was lapsed. Therefore, the 1st respondent allowed the appeal directing the 2nd respondent to issue stage carriage permit to the 3rd respondent as sought.

After hearing the learned standing counsel for the A.P.S.R.T.C. Mr. K.Srinivas Rao, this Court is convinced that the impugned of the 1st respondent does not suffer from any bias much less any illegality. Admittedly, there is no Draft Scheme pending and, therefore, the application of the 3rd respondent ought to be considered having regard to the position of law as on the date of such consideration.

The writ petition is, therefore, dismissed. No costs.

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V.V.S. RAO, J

Dated: 17-11-2005

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